



King County
Department of Development
and Environmental Services

900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

Temporary Use Permit **Report and Decision**

GENERAL INFORMATION:

File: B04M2437

Applicant: Share/Wheel
P.O. Box 2548
Seattle WA 98111
Scott Morrow (206) 448-7889 & (206) 517-9011

Sponsor: St. John Vianney Catholic Church
12600 84th Avenue NE
Kirkland WA 98034
Fr. Kevin Duggan (425) 823-0787

Location: 12600 84th Avenue NE
STR: 30-26-05
Parcel: 302605-9255

Zoning: R-4-SO, R-6-SO & R-8-SO

Activity: A temporary tent shelter encampment of homeless people, commonly known as Tent City 4 or TC4, began occupying land at St. John Vianney Church on Finn Hill November 20, 2004. TC4 is accommodating approximately 60 homeless people currently (a maximum accommodation for 100 homeless people is the subject of this request). TC4 is planning a continuous stay at this location for 93 days. Site improvements include small individual tents for personal shelter plus several larger tents used for material supplies and food storage. Portable restroom and shower facilities have been moved to the

site also. TC4 and sponsor SHARE/WHEEL pledge to abide by a written code of conduct and rules of operation.

Community pledges of support in many forms are part of this request. Linn Mathews is General Coordinator of the Human Services Committee overseeing all committee activities in support of TC4. There are eight committees staffed with volunteers working around the clock every day to make this enterprise work smoothly.

The Security Committee Chaired by Dave Thompson and thirty volunteers provide neighborhood watch support along with TC4 members. The job of this committee is to patrol public streets in an approximate two-block area around SJV & TC4 on a half hourly basis continuously. A subcommittee of seven is on call to assist with transporting unqualified persons from the campsite to connecting Metro Bus stations in the area. To date, one undesirable individual was transported away from the site by a hired security firm. That firm, retained by SJV, is present at the site or in the area seven days a week in two shifts. Shift hours are in the afternoon and evening, 3 or 4 PM to 7 PM and 9 PM to midnight.

Margie Berard supervises Communications. All parties are informed through newsletters and press contacts.

The Meals Committee, staffed with sixty site helpers and thirty area churches, provide a warm evening meal to camp residents. In addition, lunch materials are prepared and provided for those leaving the site each day.

The Transportation Committee of fourteen people give rides for odd hour appointments and weekends when Metro bus service is low. There are regular van schedules between the Kenmore Metro Park & Ride and SJV during evening hours and week ends. Others are on-call for special events and emergencies.

The Supplies Committee help determine camp needs and match needs with available supplies and donations from area churches and supporting organizations. Kathi Rowley and Linda Thompson head this group.

The Laundry Services Committee supervised by Dave Mathews is coordinating with The Overall Laundry Company of Everett to manage the weekly needs of TC4. Mostly this committee transports laundry on Monday to Overall and retrieves clean supplies the same day.

The Shower Committee with Ken Goodwin and eight volunteers moved the portable shower to SJV from Woodinville. This committee made the physical connections to potable water supplies and proper disposal of grey-water.

The Health Committee under Susan Dailey and two volunteers coordinate with other providers in the area of health educational seminars and literature to TC4 residents. They help coordinate a Saturday doctors' medical information service and work with Lake Washington Vo-tech dental services. In addition, men's haircuts and woman's hair treatments are available regularly. Qualified professionals provided flu vaccine, (shots and nasal spray) to those campers who are at greatest risk.

FINDINGS, CONCLUSION AND DECISION

Having reviewed the entire application file, including the body of correspondence and other documents entered into the record, and after considering the Zoning Code (Title 21A.32) requirements for a Temporary Use Permit, the Director makes and enters the following:

FINDINGS:

A. Background/History:

1. Tent City 4 (TC4) resides at St. John Vianney Church (SJV) since November 20, 2004 without a permit, although this application was received on October 28, 2004. Total proposed use duration during 2004 from November 20th through year-end is 41 days. The same use can be extended under this permit through an additional 19 days in January 2005. This permit will not be valid after January 19, 2005 barring legislation to the contrary. A new application good for a maximum 60 use days during 180 days in 2005 as a separate permit is required if Tent City expects to extend the stay at SJV for an additional 33 days. This is the one and only TUP requested for the subject property for 2004. It is the first temporary homeless encampment sponsored by Seattle Housing and Resource Effort & Woman's Housing Equality and Enhancement League (SHARE/WHEEL) in unincorporated King County. Previous settlements outside the City of Seattle and sponsored by SHARE/WHEEL in northeast King County were in Shoreline (Shoreline Free Methodist Church), Bothell (St. Brendan Parish) and Woodinville (city owned future park site). Reports and decisions regarding these earlier encampments are contained in the subject file and are part of the public record.
2. Shoreline issued an administrative Temporary Use Permit decision allowing the SHARE/WHEEL homeless encampment from April 20, 2003 to June 22, 2003.
3. Bothell's Special Conditional Use Permit decision issued July 19, 2004 granted SHARE/WHEEL the right to have a temporary homeless encampment for 90 days at St. Brendan Parish beginning May 17, 2004 through August 15, 2004. The encampment had been at St. Brendan Parish since May 17, 2004 without permit.
4. Woodinville entered into agreement with SHARE/WHEEL and Northshore United Church of Christ on August 25, 2004 allowing a homeless encampment on city owned property. The encampment had been at the city location beginning August 14, 2004 having moved from St. Brendan Parish. A business organization appealed the Woodinville's TUP decision regarding the adequacy of a SEPA determination of non-significance among several other issues. Following a public hearing held by the Woodinville Hearing Examiner on September 30, 2004, the

SEPA appeal was denied. SHARE/WHEEL was granted a TUP to occupy the Woodinville site until November 22, 2004.

5. Formation of a King County Citizens' Advisory Commission on Homeless Encampments (CACHE) began June 17, 2004 under King County Ordinance number 14922. CACHE citizen members were asked to explore four specific topics (see below) related to homeless encampments in King County.
 - A. "A needs assessment for homeless encampments, including an analysis of homeless shelters in King County and the date and time when demand for shelters have exceeded available space
 - B. "Policy and procedural guidelines for determining the location of future homeless encampments
 - C. "Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on public land in King County.
 - D. "Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on private land in King County."
6. The Commission's Final Report to the King County is dated August 13, 2004. Three appointed members presented a Dissenting Report on August 15, 2004. The Dissenting Report objects to not only much of the majority's final CACHE recommendation but to the process, claimed for failing to achieve balanced views. CACHE members recorded votes on fifteen of seventeen topics. After finding that thousands of people in King County spend each day and night without any shelter, a majority of members voted to support homeless encampments (tent cities) as a more preferable alternative to current "fending for oneself alone out doors" circumstance. CACHE found consensus in the following points:
 - A. "The scope of homelessness and its causes are large and complex
 - B. "There is not enough affordable housing that is accessible to people who are homeless in King County
 - C. "Shelter without needed treatment and supportive services is an insufficient response to homelessness
 - D. "Shelter should be short-term stepping point to permanent housing
 - E. "Tent cities will not solve or end homelessness"
7. Policy and procedural guidelines for determining future homeless encampment locations was a topic deferred to others (not specified) designated with responsibility for these matters. Most other topics discussed and voted upon by CACHE deal with specific requirements and conditions by which homeless encampments can be sponsored and established. Except on public lands where a

formal process of public input is recommended before establishing an encampment, no other recommendations concerning what process local government must use to approve a homeless encampment have been offered.

8. The CACHE report, Ordinance 14922, and the Dissenting Report are all part of the public file record for this matter and have been read completely for content and recommendations.
9. The King County Executive has transmitted a motion, ordinance and policies consistent with the CACHE Report to the King County Council. That legislation is currently being reviewed by the King County Council.

B. Existing Conditions:

1. The subject TUP application, including a site map and supporting materials, was received October 28, 2004. DDES mailed the applicant a letter declaring the application complete on October 28, 2004
2. Tent City 4 (TC4) lies between the St. John Vianney Chapel and 84th Avenue NE. on church property. Church grounds extend from 84th Avenue NE on the west to approximately 86th Avenue NE (if extended north) along the east side. The approximate north and south boundaries of church property would parallel NE 127th Street and NE 125th Place (if extended).
2. Single detached residential subdivisions adjoin the subject property on three other sides not facing 84th Avenue NE.
3. SJV Church has two access driveways from 84th Avenue NE. King County has designated 84th Avenue as a Collector Arterial. The primary church access and parking areas extend from the northerly access driveway. Site landscape features adjoin the boundaries of the church grounds. TC4 is located approximately several hundred feet from the nearest residences on the North but only one hundred feet or less to a residence to the South. The church building is lying between residences to the East and TC4.
4. The Lake Washington School District operates elementary and middle schools near SJV. Carl Sandberg Elementary School is located approximately 500 feet north of the homeless encampment on the opposite side of 84th Avenue NE. The Finn Hill Junior High School is further north and on the West side of 84th Avenue NE. School district officials say there have been no intrusion or vandalism incidents to report at either school. The district has hired extra security during school hours and for evening events. Additional volunteers have been added to playgrounds staff during recess and at intersections as flaggers. Additional traffic due to more parents

driving kids to school was a problem immediately following TC4's move to SJV, although it is getting back closer to normal now.

5. King County/Metro operates three weekday transit routes on 84th Avenue NE near the TC4 site. Route 260 is an express bus to Seattle downtown mornings and downtown Seattle to Finn Hill in the late afternoon. Three busses leave the vicinity of TC4 between 6:12 and 7:14 AM toward downtown. The return run in the late afternoon begins at 4:06 with the last bus at 5:10 PM. Two other routes, 234 and 935 operate between Finn Hill and downtown Bellevue (234) and Kingsgate/Totem Lake (935) or Kenmore roughly between 6:00 AM and 7:30 PM. Check route schedules for exact stops and times.
6. There are only a few cars and one van driven on and off the TC4 site by homeless residents according to Linn Mathews, General Coordinator of Human Services Committees. TC4 has not been a large traffic generator from residents but volunteers and suppliers have added some traffic volume to this neighborhood.
7. According to SJV security personnel, there have been no police calls to the TC4 operation since opening operations November 20, 2004.
8. A code violation complaint was received November 20, 2004, the day TC4 moved to SJV. King County Code Enforcement opened a code enforcement action Monday, November 22, 2004, (E0401041) regarding occupancy of SJV property by TC4 without a proper permit. The property owner has been given until December 8, 2004 to obtain a TUP, see attached.

C. Public Input:

1. Notice was mailed to property adjoining owners within 500 feet of the subject property on November 8, 2004. The applicant's signed affidavit of posting of the notice at the subject property was returned to King County and placed in the subject file on December 3, 2004. The affidavit states that the site notice was posted at 12600 84th Avenue NE on November 8, 2004. In addition to the 500-foot radius mailing, notice appeared in two newspapers, The King County Journal (published November 10, 2004, affidavit returned) and the Seattle Times (affidavit not returned at this date).
2. The 21-day public comment period ended on December 2, 2004. The public response to TC4 is passionate both for and against. Hundreds of e-mail messages and letters have been received filled with personal stories, hope, fear, and logical arguments both for and against. All submittals have been reviewed and will be preserved as part of the official public record on this matter. Due to mail volumes and very similar view points expressed by many, quoted portions herein are

representative samples only from select e-mails and letters. The total mass of correspondence, in its entirety, was used in consideration of whether this tent city encampment at St. Johns Vianney Church is or can be conditioned to be compatible within this neighborhood setting for a limited time period.

Opposition points can be summarized as follows:

- “I am concerned for the safety of my children and the permanent problem that may present itself as a result of this temporary situation. I doubt there is a more inappropriate place for a group with no credibility to push its political agenda at the risk of our children than across the street from an elementary school in a secluded, wooded neighborhood.”

-Wendy Eichner, 11/04/04

- “It is time to put a stop to this traveling protest, and find real solutions to the homeless problem.”

-Ken & Diana Pierro, 11/08/04

- “You (King County Executive Ron Sims) and a number of the council member’s from Seattle apparently support the “proposed” homeless encampment slated for our neighborhood on Finn Hill. If you are at all interested in the “will of the people” and with upholding legal due process then you will put an immediate stop to this illegal, politically motivated attack of our civil liberties.”

-Scott Ebner, 11/08/04

- “The tax paying families and homeowners of this community DEMAND that the “will of the people” be recognized, that land use laws be upheld and that you (King County Executive Ron Sims) put an immediate stop to this insane action by injunction or full enforcement.”

-John and Donna O’Neill, 11/08/04

- “SHARE/WHEEL has once again backed DDES and the community against the wall by waiting until the last minute to identify a new host, and submit the required forms. Please do not allow them to continue to disregard the rights of the community by waiting until their self-created “emergency situation” forces a decision without adequate time to consider the application.”

-Stanley B. Lund, 11/07/04

- “Although this may not be the case for 100% of homeless people studies have shown a majority fall into three categories.
 - a. People with mental illness (who should be instutioalized)
 - b. People with drug and alcohol abuse issues

- c. People who are capable but choose not to work and/or live the nomadic lifestyle.”

–Mike & Julie Force, 11/05/04

- “There is no transportation after 7:30 PM at night and limited transportation on the weekend. We need a plan from Share/Wheel and the city on what happens to folks that are turned away. If anyone is turned away, such as a sex offender with in the state or other reasons, they will not have transportation out of our neighborhood, which causes huge concerns. In addition, we need to be ensured that there is a process to validate fake ID’s or out of state ID’s”

-Vahan Sagoian, 11/06/04

- “...we are strongly opposed to the placement of a homeless people in the middle of a residential neighborhood in tents in the middle of winter with no support infrastructure to deal with their situation. There are no shower cleanup facilities, no laundry facilities, very limited bus transportation, grocery stores over 2 miles away along with no assistance or counseling facilities set up to assist them with their needs.”

-Fred & Jan Blaud, 11/30/04

Supporting arguments are as follows:

- “Hi I’m Lennon and I’m eleven years old. I go to Juanita Elementary School. I have had an experience at tent city. I bought a jacket and a pair of gloves for a ten year old boy who lives in tent city. I think it would be a good idea to let the church help the homeless by letting them stay for 90 days. If you are mad or scared because the homeless are there maybe you don’t know something about the homeless. Maybe you think they are bad people but I think you should know something. The homeless are not bad they are people like you and me only they don’t have a homes. So if you are scared they will hurt you they won’t”

-Lennon Brown, 11/7, 2004

- “Please permit our Parish, St. John Mary Vianney Catholic Church to host Tent City IV. There has been so much controversy over this issue in our community and so much that can be learned by all of us through this experience. Our children, I believe, have the most to learn and gain in this opportunity for diversity. Denying them this will only continue to reinforce the stereotypes that they see and hear through the media, and many of their fearful parents, and on signs and demonstrations in our community. Without this opportunity to experience this community, our children will learn that these “homeless people” are less worthy and the cycle will continue.”

-Laura Stanger, received 11/10/04

- “I am a Roman Catholic priest (retired) who assists regularly at Catholic parishes on the Eastside, and was closely involved with St. Brendan Parish, Bothell, when Tent City 4 was there some months back.

“I can attest to the overall responsibility of the Tent City managers and residents, as well as to the good that St. Brendan Parish members did for those guests on their property. Parish members were blessed a hundredfold by what they did for those they hosted and by their presence.”

-Rev. Roger G. O'Brien, 11/12/04

- “In his Saturday morning radio address this past weekend, President Bush asked people in the United States to volunteer more of their time to helping the less fortunate. He said that Americans should ‘recognize our duty to share our blessings with the least among us’.

“It would seem to me that this is what the parish of St. John Vianney is attempting to do by offering a space for Tent City

“I want to be on record as supporting any church or organization that would offer safe stay to Tent City”

-Ann M. LaBeck, 11/29/04

Pastoral Assistant for Youth Ministry, St. Madeleine Sophie Parish, Bellevue

- “I have volunteered with a non-profit housing group in the Eastside area for over eight years. We receive 100 calls a month from homeless seeking housing. If you do not issue the permits, you will be adding to this growing problem in the worst weather of the year.”

-Walter R. Krueger, 11/14/04

- “I know this is not the final or best solution to the homeless problem, but what other alternative is available? There are long waiting lists for low income housing and too little housing. Shelters only allow short stays. Until the County or State or communities are able to provide a better solution (and that is not an easy task), the churches in the area seem to provide the only answer.”

-Mary Jane L. Jones, 11/23/04

- “We support the decision of this church to host Tent City because we believe that Tent City offers a temporary solution to the problems of homeless in King County. Although we urge the County to seek long term measures to end homelessness, we believe that citizens of this County should support Tent City in its effort to provide temporary shelter to the homeless.

“Although many citizens of Kirkland are opposed to Tent City because they fear crime problems, we recognize the Tent City is a well-organized citizens group which has strong policies regarding the behavior of its members. We feel that the fears of those opposed to Tent City are unfounded.”

-Nalini & Ganeshkumar M. Iyer, 11/30/2004

- “I have two young boys, one almost four and the other 17 months. I cannot think of any better way to teach them values, caring for others, and community responsibility than to have my children be a part of the community and volunteers welcoming and helping Tent City.”

-Troy Hamilton, received 11/18/04

D. Relevant Code Sections:

Chapter 21A.32
GENERAL PROVISIONS
NONCONFORMANCE, TEMPORARY USES, AND REUSE OF FACILITIES

21A.32.010 Purpose. *The purposes of this chapter are to:*

B. Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use.

Comment: Sheltering temporary homeless in Tent City 4 is not a permitted use under King County Code, Chapter 21A.

21A.32.100 Temporary use permits - *Uses requiring permits. Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for:*

A. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or

B. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. (Ord. 10870 § 547, 1993).

Comment: An application for a Temporary Use Permit to locate a Tent City at SJV on Finn Hill was received on October 28, 2004. The application was determined to be complete on October 28, 2004.

21A.32.120 Temporary use permits - Duration and frequency. *Temporary use permits shall be limited in duration and frequency as follows:*

A. The temporary use permit shall be effective for no more than 180 days from the date of the first event;

B. The temporary use shall not exceed a total of 60 days, provided that this requirement applies only to the days that the event(s) actually take place;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year provided that a temporary use permit may be granted for multiple events during the approval period. (Ord. 10870 § 549, 1993).

Comment: The subject application is requesting approval of the Temporary Use Permit for 93 days. King County is limited to granting a maximum of 60 use days within a total 180-day period in any given Temporary Use Permit per calendar year. If the applicant wants to extend Tent City at this location in calendar year 2005 beyond 60 days of operation under this permit, a new application is required during a new 180-day period in 2005.

21A.32.130 Temporary use permits - Parking. *Parking and access for proposed temporary uses shall be approved by the county. (Ord. 10870 § 550, 1993).*

Comment: The sponsoring entity, SJV Church, reports that no more than a few cars are involved with Tent City residents. These vehicles usually make one trip to and from Tent City daily. Access to Tent City is from 84th Avenue NE over the primary driveway serving SJV Church.

21A.32.140 Temporary use permits - Traffic control. *The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the King County department of public safety. (Ord. 10870 § 551, 1993).*

Comment: The applicant has hired a security service for policing movements around the site. In addition, community volunteers and Tent City residents patrol the area half hourly, 24 hours a day. Because of low traffic volumes, the applicant has not raised this point and does not anticipate any traffic control problems.

Chapter 21A.42 REVIEW PROCEDURES/NOTICE REQUIREMENTS

21A.42.030 Code compliance review - Decisions and appeals.

A. The department shall approve, approve with conditions, or deny permits based on compliance with this title and any other development conditions affecting the proposal.

B. Decisions on temporary use permits may be appealed to the zoning and subdivision examiner. (Ord. 10870 § 611, 1993).

Comment: The Department is following review procedures as specified herein.

Chapter 21A.44 DECISION CRITERIA

Decision Criteria Temporary Use Permit 21A.44.020. *The County shall grant a temporary use permit, only if the applicant demonstrates that:*

A. The proposed temporary use will not be materially detrimental to the public welfare;

B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;

C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;

D. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and

E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed. (Ord. 10870 § 623, 1993).

Comment: All criteria noted above are applicable to this request except "C."

CONCLUSIONS:

1. Arguments in opposition and in favor of this Temporary Use permit are compelling. The problem with those opposing this request is that foundational evidence supporting these arguments is either missing or unsubstantiated.
2. Concerning children safety and the potential threat posed by Tent City 4, as expressed in several letters, no evidence exists in the record suggesting area children or others are facing safety risk from this temporary use. This is true especially with security measures in place designed to protect public safety on adjacent local streets and at nearby schools.
3. The implication of denying Tent City 4 as a method to find answers to homeless problems is unfounded. Evicting Tent City 4's from SJV Church will not help or further the discussion for resolving a large homeless problem in King County. It will cause in this case at least 47 people to be without community support they need to scrape by with the bare essentials of living while attempting to get beyond homelessness. Recommendations of the CACHE Committee, if advanced, will begin to address the plight of the homeless and underprivileged population. That is a longer-term process and does not involve the daily routine of SHARE/WHEEL and Eastside Tent City activities.
4. SHARE/WHEEL and SJV Church created a homeless encampment on church property November 20, 2004 without proper permits. However, assertions that King County has not acted to stop this "illegal act" or that it somehow is a "politically motivated attack" on civil liberties, is simply not true. In fact, a valid Temporary Use Permit application by SHARE/WHEEL and SJV Church to be processed administratively was received by DDES on October 28, 2004. This Temporary Use Permit Report and Decision is the end of that civil administrative decision process. Public notice and community forums provided fair and equal opportunity to the public for expressing comment opinions. When Tent City 4 moved to the property ahead of this decision an immediate complaint was received that day, November 20, 2004. The Department took swift action through its code enforcement authority to notify the applicant of its action. The applicant must be granted an opportunity under the formal Notice and Order process to appeal that ruling and comply with the Temporary Use Permit. That opportunity is no more or less than would be extended to any party found in violation of zoning laws. The Department is using proper administrative processes for resolving these matters.
5. General allegations that homeless people are mentally ill, use drugs and alcohol and would rather choose to live a nomadic life style than work are unsupported with specific studies or facts pertaining to the existing population at Tent City 4. The

code of conduct required for all Tent City 4 residents is designed specifically to avoid the potential problems noted above. An undesirable person was escorted from Tent City 4 or was prevented from entering during the last few days. The hired security force took the person to a nearby public transportation stop and put on a bus bound for Seattle. He was informed he would not be welcome back to Tent City 4. This single incident is an example of a process working properly. There is no reason to fear people living at Tent City 4.

6. Public transportation is not available on Finn Hill after 7:30 PM or on weekends. Eastside Cares, a coalition of many Eastside support service providers has formed eight committees to handle the full range of potential problems associated with living in tents on Finn Hill. This includes providing transportation during hours when public transit is unavailable. This organization, slowly building from community to community, anticipates residents' needs and issues before they become a problem. When a person is identified as undesirable or just needs a ride during the time public transportation is not available, the committee (Transportation) steps up and delivers the necessary ride. If a security issue is involved, the on-site security force takes charge. If local police are the most appropriate solution, Tent City 4 personnel call 911. Rules and procedures are already in place for handling these situations.
7. It is incorrect to assume that Tent City 4 is a homeless population on Finn Hill without resources. As has been note several times above, there are resources on site and within the community specifically designed to work issues and problems.
8. Existing Tent City 4, as first proposed on October 28, 2004, is not materially detrimental or injurious to the public welfare or property owners and people living on Finn Hill. Arguments made opposing this request lack support or substance in part because they fail to consider Judge Scott's November 22, 2004 Temporary Restraining Order including conditions levied on the applicant and TC4. Therefore, they fail to rise to the level of credibility. For these reasons, the subject request seeking a Temporary Use Permit at SJV Church on Fill Hill should be granted for a period of 60 days ending January 19, 2005, unless extended by a new 2005 request or other legislative action.
9. Having met the necessary qualifying requirements of Chapter 21A.44 for issuance of a Temporary Use Permit, as properly conditioned below, including the continuation of the Eastside Care support services, the existing Tent City 4 temporary use can be made legal by this permit.

DECISION:

APPROVE the proposed TUP for up to 60 event days at the SJV Church site from November 20, 2004 to January 19, 2005. The following conditions shall apply:

1. The applicant shall continue providing all of the Eastside Cares services to Tent City 4 residents through the system of committees as described by their General Coordinator.
2. If the applicant intends to continue Tent City 4 beyond January 19, 2005, a new Temporary Use Permit application shall be prepared and submitted immediately.
3. The maximum number of residents shall be determined taking into consideration site conditions, but in no case shall be greater than 100 at any one time.
4. The space must be sufficient to accommodate tents and necessary on-site facilities, sanitary portable toilets in the number required to meet capacity guidelines, hand washing stations by the toilets and by the food area, refuse receptacles, food tent and security tent.
5. The encampment must be within a quarter mile of a bus stop with seven day per week bus service available, or the sponsor must demonstrate ability for residents to obtain access to the nearest public transportation stop. The applicant can meet this burden through a combination of public and private alternatives.
6. The encampment site must provide suitable buffers from surrounding properties:
 - A. A minimum 20 foot setback in each direction from the boundary of the lot on which the encampment is located, excluding access, and either:
 - B. Established vegetation sufficiently dense to obscure view; or
 - C. A six foot high, view-obscuring fabric fence.
7. Children under the age of 18 shall not be permitted to stay overnight in the temporary emergency homeless encampment except under exigent circumstances. If a child under the age of 18, either alone or accompanied by a parent or guardian attempts to stay overnight, SHARE/WHEEL will immediately contact Child Protective Services and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).
8. SHARE/WHEEL shall keep a log of all people who stay overnight in the encampment, including names and dates. Logs shall be kept for a minimum of six months.

9. SHARE/WHEEL shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing temporary emergency homeless encampment residents.
10. SHARE/WHEEL shall use identification to obtain sex offender and warrant checks from the King County Sheriff's Office or relevant local police department. If said warrant and sex offender checks reveal either (a) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (b) the subject of the check is a sex offender, required to register with the County Sheriff of their county of residence pursuant to RCW 9A.44.130, then SHARE/WHEEL will reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident.
11. SHARE/WHEEL shall immediately contact the King County Sheriff's Office or relevant local city police if the reason for rejection or ejection of an individual from Tent City 4 is an active warrant or a match on the sex offender check, or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.
12. SHARE/WHEEL shall permit access to the site at all times for the King County Sheriff's Office or relevant city police department. Camp leadership and security shall become familiar with duty officers and shall be free to discuss security issues and concerns with them.
13. SHARE/WHEEL shall maintain and enforce a strict code of conduct, and shall have a system for ensuring that all prospective residents know and have signed this code prior to establishing residency in the encampment:
 - A. No alcohol.
 - B. No illegal drugs.
 - C. No weapons.
 - D. Knives over 3 ½ inches shall be turned into SHARE/WHEEL for safekeeping.
 - E. No open flames.
 - F. No trespassing onto private property.
 - G. No loitering in the host neighborhood.
 - H. No disturbing neighbors.
 - I. No verbal abuse, intimidating remarks, yelling or degrading remarks against members of the sponsoring agency, or neighborhood.
 - J. No littering in the encampment or in the host neighborhood.

14. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to.
15. No permanent structures shall be erected on the site of the temporary emergency homeless encampment.
16. The site shall be left in good condition upon completion of stay.
17. Permit inspections of the encampment may be conducted by the Fire District without prior notice. SHARE/WHEEL shall implement all directives of the Fire District within 48 hours.
18. SHARE/WHEEL will permit inspections of its encampments by Public Health-Seattle and King County without prior notice. SHARE/WHEEL will implement all directives of Seattle-King County Department of Public Health (Public Health) within the time specified by Public Health. SHARE/WHEEL will pay particular attention to assuring that Public Health guidelines on food donations, handling, and storage (including proper temperature control) are followed, and have a system for ensuring that encampment residents involved in food donations and storage are made aware of these guidelines. When Public Health asks to address encampment residents and leadership to communicate directives and recommendations, SHARE/WHEEL will organize such an opportunity in the time period specified by Public Health.
19. Permit inspections of the encampment by county staff may be made at reasonable times without prior notice for assessing compliance with the terms of the permit.
20. A regular trash patrol in the immediate vicinity of the permit area shall be provided.
21. King County is not responsible for the actions, inactions or omissions of SHARE/WHEEL, the sponsoring agency or of any resident of the emergency homeless encampment. All residents shall sign a statement at registration acknowledging the residents' willingness to comply with the Code of Conduct, and agreeing not to bring a claim or action against the county for injuries or occurrences happening within or around the emergency encampment, irrespective of fault or negligence.

22. If SHARE/WHEEL and its Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If King County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and SHARE/WHEEL has not adequately addressed the situation, the permit may be immediately terminated.
23. King County will enforce applicable conditions imposed by Judge Scott's November 23, 2004 Temporary Restraining Order and/or subsequent conditions imposed by the legal system.

Ordered this Day of December, 2004

Stephanie Warden
Director, Department of Development and Environmental Services

TRANSMITTED by US Mail or E-Mail to Parties and Persons of Interest listed in Attachment A.

Note: Signed copies will be sent by US Mail only.

Attachments:

Attachment A - Persons of Interest/Parties
Attachment B - Right to Appeal

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ATTACHMENT B - Right to Appeal

This action may be appealed in writing to the King County Hearing Examiner, with a fee of \$125 (check payable to King County Office of Finance).

As required by KCC 20.24., appeals must be filed within fourteen (14) calendar days from the date of issuance of a decision.

Filing requires actual delivery to the King County Building Services Division prior to the close of business (4:30 p.m.) on the date due, and a copy must be provided to the Office of the Hearing Examiner. Prior mailing is not sufficient if actual receipt by the Division does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Division is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Once a Notice of Appeal has been filed, the appellant shall file a statement of appeal within 21 calendar days from the date of issuance of the decision. The statement of appeal shall identify the decision being appealed (including file number) and the alleged errors in that decision.

The statement of appeal shall identify the decision being appealed and the alleged errors in that decision. Further the statement of appeal shall state: 1) specific reasons why the decision should be reversed or modified; and 2) the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal. Failure to timely file a notice of appeal, appeal fee, or statement of appeal deprives the Examiner of jurisdiction to consider the appeal.

Appeals must be submitted to the Department of Development and Environmental Services, addressed as follows:

Temporary Use Permit Appeal
Building Services Division
Department of Development and Environmental Services
900 Oakesdale Ave SW
Renton, WA 98055-1219